

Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation, also titled The Flinn Report in memory of founding JCAR member Rep. Monroe Flinn, is designed to inform and involve the public in changes taking place in agency administration.

New Rules

DCFS RELATIVE PLACEMENT

The DEPARTMENT OF CHILDREN AND FAMILY SERVICES adopted amendments to 12 Parts effective 5/16/16: Reports of Child Abuse and Neglect (89 IAC 300; 39 Ill Reg 7004), Placement and Visitation Services (89 IAC 301; 39 Ill Reg 7020), Services Delivered by the Department of Children and Family Services (89 IAC 302; 39 Ill Reg 7038), Access to and Eligibility for Child Welfare Services (89 IAC 304; 39 Ill Reg 7049), Adoption Services for Children for Whom the Department of Children and Family Services is Legally Responsible (89 IAC 309; 39 Ill Reg 7061), Permanency Planning (89 IAC 315; 39 Ill Reg 7070), Administrative Case Reviews and Court Hearings (89 IAC 316; 39 Ill Reg 7080), Interstate Placement of Children (89 IAC 328; 39 Ill Reg 7086),

Service Appeal Process (89 IAC 337; 39 Ill Reg 7092), Appeal of Foster Family Home License Denials by Relative Caregivers (89 IAC 338; 39 Ill Reg 7102), Authorized Child Care Payments (89 IAC 359; 39 Ill Reg 7109), and Licensing Standards for Foster Family Homes (89 IAC 402; 39 Ill Reg 7114), all of which implement Public Act 98-846. The

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PA broadens the definition of relative to include step-grandparents and fictive kin (a person unrelated to a child by birth or marriage who had close personal or emotional ties to the child or the child's family prior to the child's placement) and revises the definition of godparent. Changes to these rulemakings since 1st Notice

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Proposed Rulemakings

■ PROCUREMENT

The TREASURER'S OFFICE proposed amendments to the Part titled Procurement (44 Ill Adm Code 1400; 40 Ill Reg 7602) revising the Office's procurement policies since the rules were last amended in 2000. The rulemaking includes new or revised definitions of the terms contract, contractor or vendor, award, Deputy Treasurer, Request for Information and Request for Proposals (RFP), and authorizes possible joint purchasing under the Governmental Joint Purchasing Act. Provisions that make written minutes of bidders' conferences binding on the parties are being stricken. All existing specific provisions procedures on multi-step bidding are being replaced with a statement that multi-step

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NEW RULES: Rules adopted by agencies this week. **EMERGENCY RULES:** Adopted for a temporary period not to exceed 150 days.

PROPOSED RULES: Rules proposed by agencies this week, commencing a 45-day First Notice period during which public comments must be accepted.

PEREMPTORY RULES: Rules adopted without prior public notice or JCAR review as authorized by 5 ILCS 100/5-50.

■ Designates rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.

QUESTIONS/COMMENTS: Submit mail, email or phone calls to the agency personnel listed below each summary.

RULE TEXT: Available on the Secretary of State (www.cyberdriveillinois.com) and General Assembly (www.ilga.gov) websites under Illinois Register. Second Notice text (original version with changes made by the agency during First Notice included) is available on the JCAR website.

New Rules

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clarify or revise definitions for consistency with the PA and other statutes.

Questions/requests for copies: Jeff Osowski, DCFS, 406 E. Monroe, Station #65-D, Springfield IL 62701-1498, 217/524-1983, TTY 217/524-3715, Fax 217/557-0692, e-mail: cfpolicy@idcfs.state.il.us.

■ BOAT RENTALS

The DEPARTMENT OF NATURAL RESOURCES adopted amendments to the Part titled Operation of Watercraft Carrying Passengers For Hire on Illinois Waters (17 IAC 2080; 40 Ill Reg 3161), effective 5/16/16, requiring boat renters to provide proof of boat safety training, or for the operator of the boat rental service to provide abbreviated training. Operators of boat rental services are required to maintain various records for one year, provide a receipt to the renter indicating a safety course was completed, and allow inspections by DNR or law enforcement officers. Those affected by this rulemaking may

include campgrounds, resorts and other facilities that rent recreational watercraft.

Questions/requests for copies: Shelly Knuppel, DNR, One Natural Resources Way, Springfield IL 62702-1271, 217/782-1809.

■ MENTAL HEALTH FACILITIES

The HEALTH FACILITIES AND SERVICES REVIEW BOARD adopted a new Part titled Specialized Mental Health Rehabilitation Facilities (SMHRFs) (77 IAC 1126; 39 Ill Reg 10577), effective 5/16/16, establishing review criteria for relocation of existing SMHRFs to planning areas that do not currently have SMHRF services. The new Part notes that after 6/16/14, no new facilities may be licensed under the Specialized Mental Health Rehabilitation Act of 2013, but existing facilities may be relocated. An SMHRF that is being relocated must undergo the Certificate of Need review process and demonstrate that the proposed project is the most effective or least costly means of meeting specialized mental health rehabilitation needs among the population to

be served. Information to be reviewed by HFSRB includes the number of SMHRF beds and other services to be discontinued at the existing location; the anticipated date of closure of the existing location; the disposition of the current facility and its medical records; and the impact that the closure will have upon area residents. Other provisions outline information to be submitted regarding the new facility location (e.g. number of beds, project costs, need determination). Changes since 1st Notice include clarification of what types of projects require a Certificate of Need if the project cost exceeds a threshold amount (e.g., new buildings, extensions/additions to existing buildings, modernizations or improvements). Specialized mental health rehabilitation facilities, hospitals, long-term care facilities, and other medical providers are affected by this rulemaking.

Questions/requests for copies: Jeannie Mitchell, HFSRB, 69 W. Washington St., Ste. 3501, Chicago IL 60602, 312/814-6226, Jeannie.Mitchell@illinois.gov

Proposed Rulemakings

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bidding may be conducted. The rulemaking also repeals the current requirements that the Treasurer's CPO must make a written finding in favor of competitive sealed proposals in lieu of a bidding process and that

proposals and modifications may only be shown to personnel having a legitimate interest in them. The Office is raising its small purchase contract dollar threshold to the maximum recently recommended by the Illinois Procurement Policy Board, from \$25,000 to \$80,000.

Contracts for professional and artistic services for less than \$30,000 may be made without advance notice, competition or any use of source selection, at the discretion of the Treasurer's CPO.

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Proposed Rulemakings

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Examples of permissible sole source procurements cited in the rulemaking include media for advertising; radio and television rights; a federal or State grant that requires a named vendor; or an item that is copyrighted or patented. Procedural elements for the solicitation of professional and artistic services are being repealed (e.g., justification of the service procured, qualifications of the provider of the service, publication of forms to be used, and minimum contract requirements). Prequalification of professional and artistic vendors is being repealed. Leases cannot be for a term of more than 10 years. Protocols are also prescribed for vendors seeking to withhold information deemed exempt from the Freedom of Information Act. This rulemaking will affect small businesses seeking contracts with the Treasurer's Office.

Questions/requests for copies/comments through 7/11/16: Allan Mayer, Office of the State Treasurer, 219 State House, Springfield IL 62706, 217/557-2673, Fax: 217/785-2777, e-mail: AMayer@illinoistreasurer.gov

Emergency Rule

DISABILITY SERVICES

The DEPARTMENT OF HUMAN SERVICES adopted an emergency amendment to the Part titled Developmental Disabilities Services (89 IAC 144; 40 Ill Reg 7855) effective 5/13/16 for a maximum of 150 days. A companion proposed rulemaking appears in this week's *Illinois Register* at 40 Ill Reg 7600. The rulemakings concern payment of an enhanced rate for residents with high medical/high personal care needs to Intermediate Care Facilities for the Developmentally Disabled (ICF/DDs) that have more than 16 licensed beds. Effective 4/1/16, dually licensed facilities that hold more than one

type of Department of Public Health license (e.g., ICF/DD and nursing home) are also eligible to receive the enhanced rate. The rate for all eligible facilities will be redetermined annually based on the percentage of residents classified as Medical Level III (those requiring the most intensive care). DHS states that this emergency rule enables the ICF/DD facility at Clinton Manor, New Baden, to receive the enhanced rate.

Questions/requests for copies/comments on the proposed rulemaking through 7/11/16: Tracie Drew, DHS, 100 S. Grand Ave. East, 3rd Fl., Springfield IL 62762, 217/785-9772.

Second Notices

The following rulemakings were moved to Second Notice this week by the agencies listed below, commencing the JCAR review period. These rulemakings will be considered at the Committee's June 14, 2016 meeting. Other items not published in the *Illinois Register* or The Flinn Report may also be considered. Further comments concerning these rulemakings should be addressed to JCAR using the contact information on page 1.

DEPT OF NATURAL RESOURCES

Illinois State Museum (23 IAC 3210; 40 Ill Reg 5161) proposed 3/25/16

HEALTH FACILITIES AND SERVICES REVIEW BOARD

Criteria and Procedure for Recognition of Areawide Health Planning Organizations for Health Facilities Planning (Repealer) (77 IAC 1170; 40 Ill Reg 3540) proposed 3/11/16

Appropriateness Review (Repealer) (77 IAC 1250; 40 Ill Reg 3549) proposed 3/11/16